

# EXHIBIT Q

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**PLEADINGS FILED BY BERRY IN FLEMING'S BANKRUPTCY CASE**

- 1498 6/16/2003 Notice of Appearance And Request For Service Of Papers. Filed by Wayne Berry (MML, ) (Entered: 06/16/2003)
- 2664 8/1/2003 Objection to Motion For Order (A) Approving Asset Purchase Agreement with C&S Wholesale Grocers, Inc. and C&S Acquisition LLC, (B) Authorizing (I) Sale of Substantially All of Selling Debtors' Assets Relating to the Wholesale Distribution Business to Purchaser or Designee(S) or other Successful Bidder(S) at Auction, Free and Clear of All Liens, Claims, Encumbrances and Interests and (II) Assumption and Assignment of Certain Executory Contracts, License Agreement and Unexpired Leases, and Granting Related Relief (related document(s)1906 ) Filed by Wayne Berry (TK, ) Additional attachment(s) added on 8/1/2003 (TK, ). (Entered: 08/01/2003)
- 5573 1/15/2004 Limited Objection to Plan and Disclosure Statement. (related document(s)4958, 4959 ) Filed by Wayne Berry (Attachments: # 5573\_1 Affidavit # 5573\_2 Certificate of Service) (MML, ) (Entered: 01/15/2004)
- 8471 6/18/2004 Motion for Relief from Stay or in the Alternative, Relief from the Discharge and Permanent Injunction Provisions of Debtors' and Official Committee of Unsecured Creditors' Third Amended and Revised Joint Plan of Reorganization. Fee Amount \$150. Filed by Wayne Berry. Hearing scheduled for 7/9/2004 at 10:30 AM at US Bankruptcy Court, 824 Market St., 6th Floor, Wilmington, DE. Objections due by 7/2/2004.. (Attachments: # 8471\_1 Notice # 8471\_2 Declaration Timothy J. Hogan# 8471\_3 Exhibit A part 1# 8471\_4 Exhibit A part 2# 8471\_5 Exhibit A part 3# 8471\_6 Exhibit A-4# 8471\_7 Exhibit A part 5# 8471\_8 Exhibit A part 6# 8471\_9 Proposed Form of Order) (Hogan, Timothy) (Entered: 06/18/2004)
- 8479 6/18/2004 Affidavit/Declaration of Service of Notice and Motion (related document(s)8471 ) Filed by Wayne Berry (Hogan, Timothy) (Entered: 06/18/2004)
- 8592 6/30/2004 Notice of Objection to Claim Wayne Berry's Objection to Debtors' and Official Committee of Unsecured Creditors' Third Amended and Revised Joint Plan of Reorganization of Fleming Companies, Inc. and its Filing Subsidiaries under Chapter 11 of the Bankruptcy Code Filed by Wayne Berry (Attachments: # 8592\_1 Attachment) (Erhart, William) (Entered: 06/30/2004)
- 8594 7/1/2004 Motion to Appear pro hac vice of Timothy J. Hogan Filed by Wayne Berry.. (Erhart, William) (Entered: 07/01/2004)
- 8834 7/15/2004 Memorandum/Brief Supplemental Brief of Wayne Berry In Support of Motin of Wayne Berry For An Order Granting Relief From the Automatic Stay or, in the Alternative, Relief from the Discharge and Permanent Injunction Provisions of Debtors' and Official Committee of Unsecured Creditors' Third Amended and Revised Joint Plan of Reorganization of Fleming Companies, Inc. and its Filing Subsidiaries under Chapter 11 of the United States Bankruptcy Code (related document(s)8592 ) Filed by Wayne Berry (Attachments: # 8834\_1 Declaration # 8834\_2 Exhibit # 8834\_3 Exhibit # 8834\_4 Exhibit # 8834\_5 Exhibit) (Erhart, William) (Entered: 07/15/2004)
- 8912 7/19/2004 Objection to Fleming's Motion For Order Estimating Administrative Claim Filed By Wayne Berry (related document(s)8538 ) Filed by Wayne Berry (Attachments: # 8912\_1 Declaration Berry Dec.# 8912\_2 Declaration Ex. A# 8912\_3 Declaration Ex. B# 8912\_4 Declaration Ex. C# 8912\_5 Declaration Ex. D# 8912\_6 Declaration Ex. E# 8912\_7 Declaration Ex. F# 8912\_8 Declaration Ex. G# 8912\_9 Declaration Ex. H# 8912\_10 Declaration Ex. I# 8912\_11 Declaration Ex. J pt. 1# 8912\_12 Declaration Ex. J pt. 2# 8912\_13 Declaration Ex. K# 8912\_14 Declaration Ex. L# 8912\_15 Declaration Ex. M# 8912\_16 Declaration Ex. N# 8912\_17 Declaration Ex. O) (Erhart, William) (Entered: 07/19/2004)
- 8922 7/19/2004 Objection to Debtor's Non-Substantive Objection To Administrative Claim Filed By Wayne Berry (related document(s)8537 ) Filed by Wayne Berry (Attachments: # 8922\_1 Declaration Berry Dec.# 8922\_2 Declaration Ex. A# 8922\_3 Declaration Ex. B# 8922\_4 Declaration Ex. C# 8922\_5 Declaration Ex. D# 8922\_6 Declaration Ex. E# 8922\_7 Declaration Ex. F# 8922\_8 Declaration Ex. G# 8922\_9 Declaration Ex. H# 8922\_10 Declaration Ex. I# 8922\_11 Declaration Ex. J pt. 1# 8922\_12 Declaration Ex. J pt. 2# 8922\_13 Declaration Ex. K# 8922\_14 Declaration Ex. L# 8922\_15 Declaration Ex. M# 8922\_16 Declaration Ex. N# 8922\_17 Declaration Ex. O) (Erhart, William) (Entered: 07/19/2004)
- 8926 7/19/2004 Objection to Debtor's Non-Sustantative Objection To Administrative Claim Filed By Wayne Berry (related document(s)8537 ) Filed by Wayne Berry (Attachments: # 8926\_1 Declaration Hogan Dec.# 8926\_2 Declaration Ex. A# 8926\_3 Declaration Ex. B# 8926\_4 Declaration Ex. C# 8926\_5 Declaration Ex. D# 8926\_6 Declaration Ex. E# 8926\_7 Declaration Ex. F# 8926\_8 Declaration Ex. G# 8926\_9 Declaration Ex. H# 8926\_10 Declaration Ex. I# 8926\_11 Declaration Ex. J# 8926\_12 Declaration Ex. K# 8926\_13 Declaration Ex. L) (Erhart, William) (Entered: 07/19/2004)
- 8927 7/19/2004 Objection to Fleming's Motion For Order Estimating Administrative Claim Filed By Wayne Berry (related document(s)8538 ) Filed by Wayne Berry (Attachments: # 8927\_1 Declaration Berry Dec.# 8927\_2 Declaration Ex. A# 8927\_3 Declaration Ex. B# 8927\_4 Declaration Ex. C# 8927\_5 Declaration Ex. D# 8927\_6 Declaration Ex. E# 8927\_7 Declaration Ex. F# 8927\_8 Declaration Ex. G# 8927\_9 Declaration Ex. H# 8927\_10 Declaration Ex. I# 8927\_11 Declaration Ex. J pt. 1# 8927\_12 Declaration Ex. J pt. 2# 8927\_13 Declaration Ex. K# 8927\_14 Declaration Ex. L# 8927\_15 Declaration Ex. M# 8927\_16 Certificate of Service Ex. N# 8927\_17 Declaration Ex. O) (Erhart, William) (Entered: 07/19/2004)

07/19/2004)

8928 7/19/2004 Objection to *Fleming's Motion For Order Estimating Administrative Claim Filed By Wayne Berry* (related document(s)8538 ) Filed by Wayne Berry (Attachments: # 8928\_1 Certificate of Service Hogan Dec.# 8928\_2 Declaration Ex. A# 8928\_3 Declaration Ex. B# 8928\_4 Declaration Ex. C# 8928\_5 Declaration Ex. D# 8928\_6 Declaration Ex. E# 8928\_7 Declaration Ex. F# 8928\_8 Declaration Ex. G# 8928\_9 Declaration Ex. H# 8928\_10 Declaration Ex. I# 8928\_11 Declaration Ex. J# 8928\_12 Declaration Ex. K# 8928\_13 Declaration Ex. L) (Erhart, William) (Entered: 07/19/2004)

8956 7/21/2004 Notice of Document Entered in Error *D.I. No. 8926* Filed by Wayne Berry (Erhart, William) (Entered: 07/21/2004)

8957 7/21/2004 Notice of Document Entered in Error *D.I. No. 8928* Filed by Wayne Berry (Erhart, William) (Entered: 07/21/2004)

8958 7/21/2004 Notice of Document Entered in Error *D.I. No. 8912* Filed by Wayne Berry (Erhart, William) (Entered: 07/21/2004)

8959 7/21/2004 Additional Exhibits to Wayne Berry's Objection to Debtor's Non-Substantive Objection To Administrative Claim {Doc #8922} and Wayne Berry's Objection to Fleming's Motion For Order Estimating Administrative Claim(Doc #8927) (related document(s)8922, 8927) -Filed by William W. Erhart, P.A. (Attachments: # 8959\_1 Exhibit A# 8959\_2 Exhibit B# 8959\_3 Exhibit C# 8959\_4 Exhibit D# 8959\_5 Exhibit E# 8959\_6 Exhibit F# 8959\_7 Exhibit G# 8959\_8 Exhibit G# 8959\_9 Exhibit I# 8959\_10 Exhibit J# 8959\_11 Exhibit K# 8959\_12 Exhibit L) (MDE, ) (Entered: 07/21/2004)

9165 8/9/2004 Notice of Appeal. Fee Amount \$255. (related document(s)9045 ) Filed by Wayne Berry Appellant Designation due by 8/19/2004. (Erhart, William) (Entered: 08/09/2004)

9218 8/13/2004 Notice of Appeal. Fee Amount \$255. (related document(s)9139, 9165 ) Filed by Wayne Berry Appellant Designation due by 8/23/2004. (Erhart, William) (Entered: 08/13/2004)

9291 8/19/2004 Notice of Withdrawal of Appeal filed August 9, 2004 (*D.I. 9165*) (related document(s)9165 ) Filed by Wayne Berry (Erhart, William) (Entered: 08/19/2004)

9331 8/20/2004 Appellant Designation of Contents For Inclusion in Record On Appeal (related document(s)9218 ) Filed by Wayne Berry Appellee designation due by 8/30/2004. Transmission of Designation Due by 9/20/2004. (Erhart, William) (Entered: 08/20/2004)

9816 12/3/2004 Response to *PCT's Objection to Wayne Berry's June 9, 2004 Administrative Claim (No. 18428)* (related document(s)9773 ) Filed by Wayne Berry (Erhart, William) (Entered: 12/03/2004)

9933 1/12/2005 Response to *Motion of Post Confirmation Trust for 2004 Discovery re: Wayne Berry* (related document(s)9913 ) Filed by Wayne Berry (Attachments: # 9933\_1 Declaration Declaration of Wayne Berry# 9933\_2 Declaration Declarations of Timothy Hogan with Exhibits# 9933\_3 Proposed Form of Order Proposed Order) (Erhart, William) (Entered: 01/12/2005)

9940 1/17/2005 Motion for Protective Order filed by Wayne Berry (related document(s)9913 ) Filed by Wayne Berry Hearing scheduled for 2/22/2005 at 10:30 AM at US Bankruptcy Court, 824 Market St., 6th Floor, Wilmington, DE. Objections due by 2/14/2005.. (Attachments: # 9940\_1 Declaration Wayne Berry Declaration# 9940\_2 Memorandum of Law# 9940\_3 Notice Wayne Berry Notice of Motion# 9940\_4 Certificate of Service Wayne Berry Certificate of Service# 9940\_5 Proposed Form of Order Proposed Form of Order) (Erhart, William) (Entered: 01/17/2005)

9995 2/4/2005 First Motion to Authorize Order establishing Procedures Regarding Collection Upon Non Dischargeable Final Judgment Filed by Wayne Berry Hearing scheduled for 2/22/2005 at 10:30 AM at US District Court, 844 King St., Wilmington, Delaware. Objections due by 2/15/2005.. (Attachments: # 9995\_1 Notice Notice of Service# 9995\_2 Exhibit Declaration of Timothy Hogan# 9995\_3 Certificate of Service # 9995\_4 Proposed Form of Order) (Erhart, William) (Entered: 02/04/2005)

10015 2/17/2005 Notice of Withdrawal of Motion for Protection Order re: *Motion of Post Confirmation Trust* Filed by Wayne Berry (Attachments: # 10015\_1 Certificate of Service Certificate of Service, Notice of Withdrawal of Document No. 9940) (Erhart, William) (Entered: 02/17/2005)

11918 10/18/2005 Answer to Complaint Filed by Wayne Berry. (Attachments: # 11918\_1 Exhibit Exhibits A - E for Memo In Opposition to PCT's Objection to Admin Claims# 11918\_2 Exhibit Exhibits F- I for Memo in Opposition to PCT's Objection to Administrative Claims# 11918\_3 Exhibit Exhibits J-K in Memo in Opposition to PCT's Objection to Admin Claims# 11918\_4 Certificate of Service Wayne Berry's Memorandum in Opposition to PCT's Objections to administrative Claims) (Erhart, William) (Entered: 10/18/2005)

11922 10/19/2005 Notice of Document Entered in Error (related document(s)11918 ) Filed by Wayne Berry. (Erhart, William) (Entered: 10/19/2005)

11923 10/19/2005 Response to *PCT's Objection to Administrative Claims* (related document(s)11748 ) Filed by Wayne Berry (Attachments: # 11923\_1 Declaration Declaration and exhibits A through E# 11923\_2 Exhibit F through I# 11923\_3 Exhibit J to K# 11923\_4 Certificate of Service) (Erhart, William) (Entered: 10/19/2005)

- 13014 6/9/2006 Notice of Transfer of Claim and Waiver of Notice Filed by Wayne Berry (Erhart, William) (Entered: 06/09/2006)
- 13167 8/2/2006 Response to Memorandum in Opposition to PCT's Objection to Administrative Claims (claim nos. 18428 & 18704 (related document(s)12831 ) Filed by Wayne Berry (Attachments: # 13167\_1 Exhibit Exhibit A# 13167\_2 Exhibit Exhibit B# 13167\_3 Exhibit Exhibit C# 13167\_4 Exhibit Exhibit D# 13167\_5 Exhibit Exhibit F# 13167\_6 Exhibit Exhibit F# 13167\_7 Exhibit Exhibit G# 13167\_8 Exhibit Exhibit H# 13167\_9 Exhibit Exhibit I# 13167\_10 Exhibit Exhibit J# 13167\_11 Exhibit Exhibit K# 13167\_12 Exhibit Exhibit L# 13167\_13 Exhibit Exhibit M# 13167\_14 Exhibit Exhibit N# 13167\_15 Exhibit Exhibit O# 13167\_16 Exhibit Exhibit P# 13167\_17 Exhibit Exhibit Q# 13167\_18 Exhibit Exhibit R# 13167\_19 Declaration Declaration of Timothy Hogan) (Erhart, William) (Entered: 08/02/2006)
- 13175 8/3/2006 Notice of Service of Plaintiff's Memorandum in Opposition to PCT's Objection to Administrative Claims (related document(s)13167 ) Filed by Wayne Berry. (Erhart, William) (Entered: 08/03/2006)
- 13390 12/14/2006 Limited Objection to PCT's Motion For An Order in Aid of Implementation of Plan (includes certificate of service) (related document(s)13382 ) Filed by Wayne Berry (Erhart, William) (Entered: 12/14/2006)